

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COMMODITY FUTURES TRADING,)	
COMMISSION,)	
)	
Plaintiff,)	7:05 CV 5026
)	
v.)	
)	
)	
DELAY, et al.,)	ORDER
)	
Defendants.)	

Defendant Lawless has filed a motion for protective order together with supporting documentation. Defendant McCaffery has responded also supported by evidentiary materials, and the other two parties have advised the court they join in McCaffery's response.

Upon consideration of the motion and the relevant materials, I conclude that the change of place of an expert witness deposition from Austin, Texas to Denver, Colorado without obtaining the consent of all counsel, is inadequate notice to the parties. Accordingly,

IT THEREFORE HEREBY IS ORDERED: The motion for protective order, filing 178, is granted in part, as follows:

- a. The deposition of Stephen Adams presently scheduled for March 31, 2006 in Denver, Colorado shall not occur in Denver.
- b. Unless otherwise agreed by counsel, the deposition of Stephen Adams shall take place on March 31, 2006 in Austin, Texas as originally noticed on or about March 10, 2006. Filing 163.
- c. If the parties can agree before March 31, 2006 to do so, they are given leave to conduct the deposition of Stephen

Adams at any time and place agreed to by all counsel on or before April 17, 2006.

DATED March 28, 2006

BY THE COURT:

s/ *David L. Piester*
United States Magistrate Judge